

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

DEVIN RICHARDSON,

Plaintiff,

V.

**STATE OF VERMONT, VERMONT
DEPARTMENT OF CORRECTIONS,
ANDREW PALLITO, GREG HALE,
and MATTHEW BROUILLETTE,**

Defendants.

File No. 1:15-cv-00120-jgm-jmc

ORDER

The Magistrate Judge's Report and Recommendation was filed December 23, 2015. (Doc. 28.) After de novo review, and over objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Defendants' Motion to Dismiss (Doc. 21) is GRANTED in part and DENIED in part, as follows:

1. GRANTED as to Plaintiff's claims for money damages against Defendant State of Vermont and Defendants Pallito, Hale, and Brouillette, in their official capacities;
2. GRANTED as to Plaintiff's claims against Defendants Pallito and Hale, in their personal capacities;
3. DENIED as to Plaintiff's procedural and substantive due process claims against Defendants; and

4. DENIED as to Plaintiff's claims against Defendants under the doctrine of qualified immunity.

Further, Plaintiff's municipal liability claim is DISMISSED.

This matter is returned to Magistrate Judge John M. Conroy for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 28th day of January, 2016.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge